

1 Luke Busby, Esq.  
2 Nevada State Bar #10319  
3 316 California Avenue  
4 Reno, Nevada 89509  
5 (775) 453-0112  
6 [luke@lukeandrewbusbyltd.com](mailto:luke@lukeandrewbusbyltd.com)

7 Lauren Gorman, Esq.  
8 Nevada State Bar #11580  
9 275 Hill Street, Suite 248  
10 Reno, Nevada 89501  
11 (775) 742-6129  
12 [lgorman@laurengormanlaw.com](mailto:lgorman@laurengormanlaw.com)  
13 *Attorneys for the Plaintiffs*

14 **UNITED STATES DISTRICT COURT**

15 **DISTRICT OF NEVADA**

16 ERICA BLUTH, an individual, and  
17 LAVORIA WILSON, an individual,

18 Plaintiff,

19 v.

20 TYLER BAEHR, and individual, and THE  
21 CITY OF RENO, a political subdivision of  
22 the State of Nevada.,

23 Defendants.

Case No.: 3:25-cv-00129 MMD-CSD

**PLAINTIFFS' SECOND MOTION  
REGARDING DISCOVERY  
DISPUTE**

24 COME NOW Plaintiffs Erica Bluth and Lavoria Wilson, pursuant to the Civil Standing  
25 Order of U.S. Magistrate Judge Denney and Federal Rules of Civil Procedure 26 and 37,  
26 move to compel Defendant City of Reno to produce unredacted versions of all records in  
27 its First Supplemental Disclosures, including the Internal Affairs Investigation Report, as  
28 ordered by this Court on May 28, 2025 (ECF No. 36).

1 Plaintiffs also request sanctions for the City's violation of the Court's Order by  
2 producing heavily redacted documents that obscure witness names and incident numbers,  
3 hindering identification of other victims of Defendant Tyler Baehr's conduct. Pursuant to  
4 the protective order (ECF No. 42), Plaintiffs will file the redacted report (COR 000001–COR  
5 000135) separately under seal as an example of the City's improper redactions in its  
6 overall disclosure.

## 7 **MEMORANDUM OF POINTS AND AUTHORITIES**

### 8 **Unresolved Issue**

9  
10 On May 28, 2025, this Court ordered the City of Reno to produce the Internal Affairs  
11 Investigation Report by June 6, 2025 (ECF No. 36). In its First Supplemental Disclosures,  
12 dated June 6, 2025, attached hereto as Exhibit 1, the City provided its disclosures and  
13 marked several as confidential per the Protective Order, but it redacted critical information  
14 from the documents, including the report (COR 000001–COR 000135), Notice of  
15 Investigation (COR 000138–COR 000139), Notice of Interview (COR 000140–COR  
16 000141), and Kincaid Memo (COR 000143–COR 000144), which obscure witness names  
17 and incident numbers.

18 These redactions violate the Court's May 28, 2025 Order and FRCP 26(a)(1)(A)(ii),  
19 rendering the documents useless for identifying other victims of Baehr's misconduct.  
20 During a meet and confer on June 7, 2025, the City cited Marcy's Law as justification but  
21 provided no specific legal basis for redaction.  
22

### 23 **Violation of Court Order and Rule 26**

24 The Court's May 28, 2025, order required production of the Internal Affairs  
25 Investigation Report without authorizing redactions. FRCP 26(a)(1)(A)(ii) mandates  
26 providing a copy of documents a party may use to support its claims or defenses, unless  
27 privileged. The City's production of redacted documents, obscuring critical information,  
28

1 constitutes an evasive and incomplete disclosure, treated as a failure to disclose under  
2 Rule 37(a)(4). This violates the Court's order as the redactions prevent Plaintiffs from using  
3 the documents to support their failure-to-train claim and respond to the City's Motion to  
4 Dismiss.

### 5 **Unjustified Redactions**

6 The City redacted witness names and incident numbers from documents it  
7 disclosed on a confidential basis, without asserting privilege or providing a privilege log, as  
8 required by Rule 26(b)(5)(A). During the June 7, 2025, meet and confer, the City referenced  
9 Marcy's Law, but this law is inapplicable to federal discovery or this case, where to the  
10 Plaintiff's knowledge, no criminal charges involve non-Plaintiff victims. The Protective  
11 Order (ECF No. 42) safeguards confidential information, negating the need for redactions.  
12 Further, the Plaintiffs do not believe that the confidential designation of the Investigative  
13 Report is justified in light of the strong presumption in favor of public access to judicial  
14 filings and documents. *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 (1978);  
15 *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006).  
16

### 17 **Impact on Discovery and Pending Motions**

18 The redactions across multiple documents, including the 135-page Internal Affairs  
19 Investigation Report, render them nearly incomprehensible, blocking Plaintiffs' ability to  
20 investigate Baehr's misconduct and the City's policies. The redactions of witness names  
21 and incident numbers hinder Plaintiffs' ability to defend against the City's Motion for  
22 Judgment on the Pleadings (ECF No. 16). These redactions obscure critical evidence  
23 needed to substantiate Plaintiffs' *Monell* claim, particularly the allegations of inadequate  
24 training and a pattern of misconduct by Defendant Tyler Baehr, which are central to  
25 countering the City's argument that no municipal policy or deliberate indifference exists  
26 (ECF No. 16 at 12-15). Without access to unredacted information Plaintiffs cannot fully  
27  
28

1 address the City's contention that Baehr's actions were an independent venture outside  
2 the scope of employment (ECF No. 16 at 4-5), which undermines Plaintiffs' ability to  
3 develop factual support through discovery, as urged in their Opposition.

#### 4 **Sanctions for Non-Compliance**

5 FRCP 37(b)(2)(A) and (C) authorize sanctions for violating a discovery order,  
6 including prohibiting the City from using redacted documents to support defenses and  
7 ordering payment of attorneys' fees, unless the violation was substantially justified. Rule  
8 37(c)(1) allows fees for evasive disclosures. The City's nondisclosure, despite the Court's  
9 Order, warrants sanctions, including reasonable expenses and attorneys' fees. Pursuant  
10 to the protective order (ECF No. 42, Plaintiffs will file the redacted Internal Affairs  
11 Investigation Report (COR 000001–COR 000135) under seal as an example of the City's  
12 improper redactions for the Court's in camera review. Other redacted documents, such as  
13 the Notice of Investigation and Kincaid Memo, exhibits showing similar issues and are  
14 available upon request.  
15

#### 16 **Requested Resolution**

17 Plaintiffs request that the Court compel the City of Reno to produce unredacted  
18 versions of all records in its First Supplemental Disclosures, including the Internal Affairs  
19 Investigation Report, Notice of Investigation, Notice of Interview, and Kincaid Memo, by  
20 June 16, 2025, pursuant to Rule 37(a)(3)(A).  
21

22 Plaintiffs further seek sanctions under Rule 37(b)(2)(A) and (C), prohibiting the City  
23 from using the documents to support its defenses and ordering payment of reasonable  
24 expenses, including attorneys' fees. Alternatively, the Court should order the City to  
25 provide a privilege log by June 16, 2025, per Rule 26(b)(5)(A), and produce unredacted  
26 versions of non-privileged portions. Plaintiffs urge expedited resolution to prevent further  
27 delay.  
28

**Meet and Confer Certification**

On June 7, 2025, Plaintiffs' counsel Luke Busby and Lauren Gorman met with the City's counsel Peter Keegan. Plaintiffs argued that the redactions violated the Court's Order), emphasizing the need for unredacted documents to support their failure-to-train claim, identify witnesses, and respond to the City's Motion to Dismiss. The City refused to provide an unredacted production without a court order. The dispute remains unresolved.

Dated: Jun 11, 2025

By: /s/ Luke Busby, Esq.

Luke Busby, Esq.

Nevada State Bar #10319

316 California Avenue

Reno, Nevada 89509

(775) 453-0112

[luke@lukeandrewbusbyltd.com](mailto:luke@lukeandrewbusbyltd.com)

Lauren Gorman, Esq.

Nevada State Bar #11580

275 Hill Street, Suite 248

Reno, Nevada 89501

(775) 742-6129

[lgorman@laurengormanlaw.com](mailto:lgorman@laurengormanlaw.com)

*Attorneys for the Plaintiffs*

Exhibit List

1. City of Reno's First Supplemental Initial Disclosures

**CERTIFICATE OF SERVICE**

I certify that on the date shown below, I caused service to be completed of a true and correct copy of the foregoing by:

\_\_\_\_\_ personally delivering;  
\_\_\_\_\_ delivery via Reno/Carson Messenger Service;  
\_\_\_\_\_ sending via Federal Express (or other overnight delivery service);  
\_\_\_\_\_ depositing for mailing in the U.S. mail, with sufficient postage affixed thereto; or,  
☒ delivery via electronic means (fax, eflex, NEF, etc.) to:

Peter K Keegan  
Reno City Attorney  
1 East 1st Street  
Reno, NV 89510  
775-220-1426  
Email: [keeganp@reno.gov](mailto:keeganp@reno.gov)

Tyler Baehr  
9752 Pachuca Drive  
Reno, NV 89521

Jun 11, 2025

By: /s/ Luke Busby, Esq.

Luke Busby, Esq.  
Nevada State Bar #10319  
316 California Avenue  
Reno, Nevada 89509  
Phone (775) 453-0112  
[luke@lukeandrewbusbyltd.com](mailto:luke@lukeandrewbusbyltd.com)  
Attorney for the Plaintiff